

59. The defendants unlawfully, without just cause, disseminated plaintiff's confidential medical and personnel information to the media and through the newspapers of general circulation to the general public.

60. That plaintiff is entitled to federal statutory prescribed penalties and/or damages as a result of the defendants' unlawful dissemination and publication of his medical information, in a sum to be determined by this honorable Court with or without a jury.

AS AND FOR A THIRD CAUSE OF ACTION
UNDER STATE LAW FOR SLANDER AGAINST
DEFENDANT ROBERT "RABBIT" KIERNAN

61. Plaintiff, JOHN BYRNES JR., repeats and reiterates paragraphs 1 through 51 of his complaint with the same force and effect as if their content were fully set forth at length herein.

62. On August 16, 2007, at approximately 5:15 P.M., the defendant, ROBERT "RABBIT" KIERNAN, while in the police station public parking lot, in the presence of numerous persons, made a kissing motion in the direction of plaintiff and pointed at his crotch and said "did you run out of little boys". He further stated "I am going to get you, you fucking pedophile". Thereafter, on or about August 17, 2007, the defendant, ROBERT "RABBIT" KIERNAN, libeled

plaintiff by virtue of the incident more particularly set forth in paragraph 41 herein. By the foregoing statements, the defendant expressly and by inference, slandered the plaintiff and alleged that plaintiff was a pedophile and that he had committed acts of moral turpitude and that plaintiff was unworthy to be appointed to the public office of "Chief of Police" and to operate a security business within the Village of Montgomery, the plaintiff sustained general damages to his social and business reputation, his good name and other economic damages, including but not limited to the loss of business customers and clientele together with his embarrassment in the community and the tarnishing of his reputation as a law enforcement officer in good standing, within the State of New York.

63. Upon information and belief, that as a result of the actions of this defendant, the plaintiff has suffered great mental and physical distress and was subjected to humiliation, embarrassment and scorn among those who knew him and the general public and his vocation was severely interrupted.

64. As a result of these untrue accusations, plaintiff has sustained extreme damages in his business and personal life and was otherwise greatly injured in his character and reputation.

65. That as a result of the foregoing, the plaintiff has sustained damages heretofore alleged herein to his reputation, business, profession, personal and social life and special damages through the loss of his business clients, in the sum of five million dollars (\$5,000,000.00) representing compensatory damages and he is entitled to exemplary, punitive, and treble damages against these defendants for their reckless publication of the foregoing slanderous and libelous allegations in the sum of fifteen million dollars (\$15,000,000.00) no part of which has been paid notwithstanding due demand.

AS AND FOR A FOURTH CAUSE OF ACTION
UNDER STATE LAW FOR LIBEL AGAINST
DEFENDANTS ROBERT "RABBIT" KIERNAN
AND LT. JERRY LOMANGINO

66. Plaintiff repeats and reiterates each and every allegation set forth in paragraphs 1 through 65 of his complaint, with the same force and effect as if those allegations were fully set forth at length herein.

67. That the defendants, on or about January 26, 2007, by their unlawful investigation, release of privileged and confidential documents and slanderous accusations that plaintiff had committed crimes, including, but not limited to the purchase, possession and/or sale of illegal weapons, knowing that said

accusations would be published in writing in newspapers of general circulation, as is set forth in Exhibit "B" did libel plaintiff by the dissemination of the foregoing false and malicious libelous publications, published to numerous residents within the Village and Town of Montgomery, did also verbally slander and accuse the plaintiff of having committed various criminal and/or morally corrupt acts, including, but not limited to those more particularly set forth above.

AS AND FOR A FIFTH CAUSE OF ACTION
UNDER STATE LAW FOR DEFAMATION OF
CHARACTER AGAINST ALL DEFENDANTS

68. Plaintiff repeats and reiterates each and every allegation set forth in paragraphs 1 through 67 his complaint, with the same force and effect as if those allegations were fully set forth at length herein.

69. By virtue of the actions of the defendants, plaintiff's character, reputation, good will in his personal life and business, has been defamed, without any just cause or without any fault of the plaintiff.

AS AND FOR A SIXTH CAUSE OF ACTION
UNDER STATE LAW FOR MALICIOUS TERMINATION
OF EMPLOYMENT AGAINST ALL DEFENDANTS

70. Plaintiff repeats and reiterates each and every allegation set forth in paragraphs 1 through 69 his complaint, with the same force and effect as if those allegations were fully set forth at length herein.

71. That the foregoing acts of the defendants were done without just cause but with malice against the plaintiff.

72. By virtue of plaintiff's unlawful demotion and defendants' refusal to allow plaintiff to maintain his position as "Chief of Police" and/or their referral to plaintiff as "Officer in Charge"; by their modification of the terms of his employment; and by their refusal to allow him to meet the minimum hours of employment, their actions constitute malicious termination of employment.

AS AND FOR A SEVENTH CAUSE OF ACTION
UNDER STATE LAW FOR INTENTIONAL INFLECTION
OF MENTAL DISTRESS AGAINST ALL DEFENDANTS

73. Plaintiff repeats and reiterates each and every allegation set forth in paragraphs 1 through 72 his complaint, with the same force and effect as if those allegations were fully set forth at length herein.

74. The actions of the defendants include numerous complaints made to federal agencies, including the FBI, alleging that the plaintiff was committing crimes, which the defendants knew were baseless at the time they made them.

75. These illegal activities by defendants, included libel, slander, violations of plaintiff's civil rights, and other actions which rose to the level of falsely reporting an incident in the third degree contrary to § 240.50 (3) of the New York penal law.

76. The foregoing repeated acts of the defendants therefore amounted to extreme and outrageous conduct which transcended the bounds of decency as to be regarded as atrocious and intolerable in a civilized society and constitute actions which have intentionally or recklessly caused plaintiff to suffer severe emotional distress.

77. Defendants knew their conduct would cause plaintiff to suffer severe emotional distress and that his emotional health suffered as a result of their acts.

78. As such, defendants' unjustified acts, intended to interfere and deprive plaintiff of his livelihood, constitute intentional infliction of emotional distress.

DEMAND FOR A JURY TRIAL

79. Plaintiff demands a jury trial of all the issues in this action.

REQUESTED RELIEF

Wherefore, plaintiff demands judgment in his favor and against the defendants, as follows:

1. On his first Federal cause of action alleging a violation of 28 U.S.C. § 1331, and 42 U.S.C. § 1983:

a. Declaring that the aforementioned discriminatory actions of defendants were and still are unconstitutional;

b. Granting plaintiff, preliminarily, during the pendency of this action, and permanently thereafter, an injunction against the defendants, directing the reinstatement of plaintiff to the position of "Chief of Police", retroactively as of January 16, 2007, and thereafter restraining the defendants from terminating and/or demoting plaintiff from that position, in the future, without just cause and due process.

c. Granting plaintiff compensatory damages representing the reimbursement to plaintiff of all salary payments, and other benefits he lost as a result of the unconstitutional actions of the defendants, in a sum to be determined by this honorable Court, with or without a jury.

d. Granting plaintiff compensatory damages for the reasonable costs of his attorney's services which were incurred by plaintiff due to the unconstitutional actions of the defendants, in a sum to be determined by this honorable Court.

e. Granting plaintiff exemplary, treble and punitive damages due to the malicious and unconstitutional actions of the defendants, in a sum to be determined by this honorable Court, with or without a jury, and

2. On his second Federal cause of action alleging violations of HIPPA:

a. Judgment in plaintiff's favor and against the defendants for sanctions and penalties, together with compensatory damages plaintiff sustained, in a sum to be determined by this honorable Court, with or without a jury.

3. On his third cause of action under state law for slander against defendant Robert "Rabbit" Kiernan:

a. Judgment in plaintiff's favor and against defendant, Robert "Rabbit" Kiernan, for compensatory damages in the sum of five million dollars (\$5,000,000.00) and fifteen million dollars (\$15,000,000.00) for exemplary, punitive and treble damages.

4. On his fourth cause of action under state law for slander and/or libel against defendants Robert "Rabbit" Kiernan and Lt. Jerry Lomangino:

a. Judgment in plaintiff's favor and against defendants, Robert "Rabbit" Kiernan and Lt. Jerry Lomangino, for compensatory damages, in the sum of five

million dollars (\$5,000,000.00) and fifteen million dollars (\$15,000,000.00) for exemplary, punitive and treble damages.

5. On his fifth cause of action under state law for defamation of character:

a. Judgment in plaintiff's favor and against the defendants for compensatory damages and exemplary, punitive and treble damages in amounts deemed reasonable by this honorable Court, with or without a jury.

6. On his sixth cause of action under state law for malicious termination of employment:

a. Judgment in plaintiff's favor and against the defendants for compensatory damages and exemplary, punitive and treble damages in amounts deemed reasonable by this honorable Court, with or without a jury.


7. On his seventh cause of action under state law for intentional infliction of mental distress

a. Judgment in plaintiff's favor and against the defendants for compensatory damages and exemplary, punitive and treble damages in amounts deemed reasonable by this honorable Court, with or without a jury.

All the foregoing, together with such other and further relief as to this honorable Court may deem just and proper under the circumstances, and the costs and disbursements of this action.

Dated: November 16, 2007

Yours, etc



EDWARD J. CARROLL, ESQ.
Attorney for Plaintiff
2733 Route 209
Kingston, New York 12401
(845) 338-5977

TO: STEVEN BRESCIA, Mayor of
the Village of Montgomery,
LINDA CANTIELLO,
ROBERT "RABBIT" KIERNAN,
DARLENE ANDOLSEK, and
JOANN SCHEELS, Constituting
the Trustees of the Village Board
of the Village of Montgomery,
Lt. JERRY LOMANGINO of the Village
of Montgomery Police Department,
and THE VILLAGE OF MONTGOMERY
133 Clinton Street, Montgomery,
New York, County of Orange, 12549

News

Changes loom for Montgomery police

By Alexa James
November 27, 2006

and Oliver Mackson

Times Herald-Record

Montgomery — The burning question in the Village of Montgomery these days is, "What's up with Jack?"

Meaning Jack Byrnes Jr., officer in charge of the village's police department.

He's been out of the country for about three months and his return date isn't circled on anyone's calendar. Meanwhile, big changes are looming for one of Orange County's last remaining part-time police forces.

"I think he's supposed to come home in December," Mayor Steve Brescia said last week. "Then he'll have to let us know what he's going to do. We do plan to sit down with him when he gets back."

There's a lot to sit down and talk about. The Village Board is pondering the hiring of the village's first full-time cops. There's a new union-organizing drive in the department.

And about two weeks ago, elected officials from the Village of Montgomery, the Town of Montgomery and the Village of Maybrook discussed whether they should combine their three police departments.

There's not a lot of crime in Montgomery, a village of 3,600 people at the crossroads of Route 17K and Route 211. Last year, the most serious crimes village police handled were 12 larceny complaints and one call about a stolen vehicle.

The same year, by comparison, police in the Village of Highland Falls, where the population is about the same as Montgomery, recorded 50 serious crimes, seven of them violent, according to the state Department of Criminal Justice Services.

Byrnes, 46, is a Montgomery native. His full-time gig is in the private security business. He's chairman and chief executive officer of Allstate Security Inc., based in Montgomery.

Earlier this year, Byrnes was setting up a new security venture in the Dominican Republic. Around Sept. 11, Brescia said, Byrnes was due to fly back to the U.S. to have surgery for a stomach infection, a complication resulting from a prior procedure. But Byrnes became ill, couldn't fly home and had the surgery in the Dominican Republic.

"He's still stuck down there," Brescia said last week.

Even before Byrnes took sick, the Village Board was asking questions about accountability. Trustee Bob Kiernan, who retains his high school-athlete nickname of "Rabbit" around the village, wants Byrnes to be more accountable for documenting the hours he works. Brescia said some part-timers have been exceeding their hours; others aren't working enough, and the department has had trouble filling day shifts.

"There's a lot of people switching their shifts or calling out. We wanted more effective scheduling, too," he said. There are now 32 part-timers patrolling the village. Brescia would like to see that number below 20. "We're considering hiring two to four full-timers," he said.

Last summer, village police ticketed two truck drivers for E. Tetz & Sons, the concrete company where Kiernan works.

One of the tickets was written for driving 36 mph in a 30 mph zone. The other was for driving 37 mph in a 30 mph zone.

Kiernan also got a recent ticket charging him with failure to signal a turn and failure to properly display a registration sticker.

"Did it strike me, personally, as a form of harassment? To anybody who knows the history of the village in the last six months — perhaps," Kiernan says. That's about how long he's been asking pointed questions about how the police department is run.

Kiernan is quick to add, "I'm very happy with the people we have right now, running the show." The highest-ranking fill-in for Byrnes is Capt. John Luffman, a retired NYPD member who has worked in Montgomery for 13 years.

"I've been a supervisor for probably half of that, plus NYPD," Luffman said. "So I really don't have a problem stepping in his (Byrnes') shoes, and for the most part, even when he was around, I was running the show," he added.

"I think that a lot of the public are very happy with the way that the police department is run."

Brescia was born and raised in Montgomery. He also represents it in the Orange County Legislature. He's not optimistic that the consolidation being discussed with Maybrook and the Town of Montgomery will happen anytime soon.

But, he says, "we'd still like to put the numbers together."

As for Kiernan, who's the Village Board's liaison with the police department, Brescia said, "I think they (some officers) feel that Rabbit hasn't been fair to them. I think he has."

Opinion

Change, law enforcement and the Village of Montgomery

Sometimes, it seems the more things change in the mid-Hudson, the more they stay the same in the Village of Montgomery. And it seems that in this small village of 3,600 people — known best for its overzealous ticketing of speeders — the good ol' boy network is alive and well.

How else do you explain why Jack Byrnes Jr. is still in charge of the village police department, despite not having been seen in town for more than three months? Word is that Byrnes, whose full-time gig is private security, went down to the Dominican Republic a few months ago for a security job, got sick and hasn't been able to return. In his absence, though, the village is finally considering making some changes in one of the county's last part-time police departments. The proposed changes include hiring a few full-time officers and cutting back on the part-time staff. The village has 32 part-time officers on staff. Mayor Steve Brescia said he'd like to see that number below 20. Village trustee Robert Kiernan said he'd like to see more accountability within the department as well. Brescia points to recent trouble getting day shifts staffed, officers exceeding hours and others not putting in enough. Kiernan said he'd also like to see a better record of the hours Byrnes is putting in.

All of the requests that have been suggested seem reasonable, even desirable for the department to progress. But not everyone seems happy with the suggestions. There's been talk of officers targeting trucks from the business where Kiernan works in retaliation for his requests. Kiernan himself received tickets for failing to signal a turn and failing to display his registration.

While no one can say for sure that's happened, it wouldn't be the first time Byrnes or his department was linked to some shady goings-on.

Byrnes himself has been the target of lawsuits, the center of controversy and the subject of much, oft-times unpleasant, speculation. He was overseeing the department in 1999 when 5,000 rounds of ammo disappeared and again when his officers were accused of faking hours they worked and double-billing both the village and the sheriff's department mere months later.

He was at the center of controversy again in 2001 when police were called to his home in the middle of the night after Byrnes said a man he'd given a ride home from a bar had pulled a knife and threatened to kill him. That ride turned out to be in a police cruiser, with an officer behind the wheel. Seems the folks around town refer to it as the "blue taxi."

People said Byrnes never faced the music in town — indeed, he received a hefty raise after the 2001 incident — because his father, Jack Byrnes Sr., sat on the police commission for years. No conflict there, right?

The truth is, it's time for some changes in the Village of Montgomery's Police Department. And since all effective change begins at the top, it seems the time is right for Jack Byrnes Jr. to finally step down. What Montgomery needs is a professional force run by trained and respected men and women whose primary concern is the safety and well-being of residents.

By all reports, retired NYPD member and current Montgomery Capt. John Luffman (the man filling Byrnes' empty chair) might be just the man the village needs.

Montgomery needs to send the message that no one in the village is above the law. And that has to include Jack Byrnes.

News

Byrnes' future on force unclear

By Alexa James

December 07, 2006

Times Herald-Record

Montgomery — Jack is back.

He's still on medical leave, but Jack Byrnes Jr., officer in charge of the village police department, has returned from a three-month hiatus in the Dominican Republic.

Though he's stateside again, the Montgomery native's future as head of the tiny village's sizable police force remains unsettled. Village officials said Byrnes has submitted a doctor's excuse, extending his leave at least one more month.

Asked if he'll return after that, Byrnes said, "I'm not sure yet."

On Tuesday night, Byrnes made his first public appearance in Montgomery after his extended absence. He attended a Village Board meeting, demanding to join the trustees and Capt. John Luffman — the NYPD veteran acting as supervisor in Byrnes' absence — in a closed-to-the-public executive session about police personnel.

"It matters to me," Byrnes told the board. "I have a lot of input about what's going on."

The public wasn't privy to the ensuing discussion, but Trustee Bob Klemen, who serves as the village police liaison, said yesterday that he thinks Byrnes should resign. "In all reality," he said, "Jack Byrnes hasn't been available or accountable to this village for the last year and a half."

Byrnes said yesterday that Klemen never addressed those remarks to him. Asked if he's offended by the board's increased supervision over his department, Byrnes said, "I have no response. I'm not going to play tit-for-tat in the paper."

The Village Board is considering a reduction of force — the department has 31 part-time officers — and tightening officers' schedules.

As the department's only salaried employee, Byrnes is budgeted to earn \$20,426 annually for his part-time role as officer in charge of the department. Byrnes' title is bestowed by the village; holding a police chief's title requires a cop to pass a Civil Service test.

Brescia said Byrnes was not paid during his hiatus. Given his extended absences, the village clerk was unclear yesterday as to how much money Byrnes had actually earned this year or how many hours he'd worked.

Byrnes, 46, has frequented the Dominican Republic throughout the year, the mayor said, setting up a new private security business. Byrnes also runs the Montgomery-based Allstate Security Inc.

Staff writer Oliver Mackson contributed to this report.

News

Session on Byrnes' future turns into shouting match in Montgomery

By Alexa James and Oliver Mackson

December 21, 2006

Montgomery - When a closed-door session of Montgomery trustees snowballed into a profane shouting match Tuesday night, the Village Board tried turning up the Christmas carols to drown out the F-bombs.

When the din subsided, Trustee Bob Kiernan had resigned as village police liaison, citing "absolutely no cooperation." Kiernan wanted to reorganize the department from the top down, starting with Officer-in-Charge Jack Byrnes, who has been out of the country more than in during the past 18 months. Byrnes "should no longer be involved in any executive sessions," Kiernan said, "or have any stature of any importance."

Mayor Steve Brescia said the village will deal with Byrnes when he returns from the Dominican Republic, where he has been setting up a private security company and recuperating from unspecified health problems.

Brescia is facing mounting pressure as villagers question how their chief can travel to and from the tropics but not do desk work at the station. "It's going to come to a head Jan. 16," said Brescia, when Byrnes' latest doctor's excuse expires and the board meets again.

In the interim, Capt. John Luffman is heading the department. Brescia said he will not immediately appoint a new police liaison in hopes that Kiernan reverses his decision.

Job future could be at stake for Montgomery's top cop

Village might oust Byrnes

By Alexa James
and Oliver Mackson
Times Herald-Record
alexaj@th-record.com
omackson@th-record.com

Montgomery — For years, Jack Byrnes Jr. traveled in circles lot bigger than this village of 600 people.

Sure, he was the part-time officer in charge of the village's office department. But he also acted as an honorary major's aide in the Orange County Sheriff's Office and worked as a volunteer with then-Sheriff Frank Bigger's drug task force. He ran a private security company with big contracts, including protecting the massive eyowugh Auto Auction.

Byrnes' annual Christmas party was a see-and-be-seen event that drew state-level politicians. Last year, there was even some talk that Byrnes might be a candidate for sheriff himself.

But Orange County is changing, and a harbinger of that change came when the month of December came and went without invitations going out to the big Christmas party.

Byrnes hasn't spent much time in Montgomery since the

summer, because he's been tending to a new business and recuperating from an illness.

And now Byrnes may be one vote away from losing command of the police department, where he's been a fixture for 24 years, including as an officer in charge. He's never held the civil service rank of chief.

The Village Board is expected to take up the question of Byrnes' future at a meeting tomorrow night. Two village trustees now say that Byrnes should go, and while the Village Board's other three members aren't going that far, they still have plenty of questions for Byrnes.

Between hernia surgery and the startup of a new security venture in the Dominican Republic, Byrnes hasn't worked this allocated 80 hours a month since August, Mayor Steve Brescia says. He hasn't been paid since then, either.

Byrnes put in about four months of work last year, the mayor said, earning about 30 percent of his \$20,426 annual salary. But technically, he's still in charge of the department.

Trustee Robert "Rabbit" Ki-

ernan was the first to call for Byrnes' resignation. Trustee Linda Cantello now says that she agrees with Kiernan.

"It's time for Jack to be replaced. That's the bottom line," Cantello says.

After Kiernan called for Byrnes' resignation last month, Byrnes' lawyer, Ed Bruno of Pine Bush, wrote Kiernan a letter that warned, "If you make slanderous statements against my client, I will have no choice but to take whatever action is

appropriate to protect my client's interests, which could include a lawsuit against you for defamation of character."

Bruno sent copies of the letter to the entire board. Cantello said, "It sounded like a scare tactic."

Bruno wouldn't say which of Kiernan's remarks were taken by Byrnes as slanderous. Brescia, Trustee Darlene Andolsek and Trustee JoAnn Scheels all said Bruno shouldn't have copied his letter to the entire Village Board.

"It's inappropriate. It may have been something to try to hush Rabbit, but Bob is a grown-up and Bob is going to say what he's going to say. Jack and Bob are having a bit of a tiff,

and I think it should be between them," Scheels said.

But Byrnes' work situation? That, the trustees agreed, is something that's in the public sphere.

Byrnes has a note from a doctor that says he can't do police work, but the note expires tomorrow — the night that the Village Board meets.

"I think with all his medical problems, maybe he should consider retiring," Scheels said. "He truly doesn't seem to be able to be there all the time. Not that he does a bad job — he just hasn't been there. He's been out sick for a while now, and is that fair to the people in the village?"

Trustee Darlene Andolsek said, "Right now, he's on medical leave. He can't help that, nor can I. But we need somebody that's here ... I think that's of utmost importance."

Brescia says the village could consider demoting Byrnes and permanently appointing Capt. John Luffman as the officer in charge. Luffman's been running the department in Byrnes' absence.

Byrnes couldn't be reached at either of two cell-phone numbers last week.

The Village Board expects him to show up tomorrow night.



Jack Byrnes Jr.

News

Montgomery police head Jack Byrnes Jr.'s job could be at stake

By Alexa James
January 15, 2007

and Oliver Mackson
Times Herald-Record

Montgomery — For years, Jack Byrnes Jr. traveled in circles a lot bigger than this village of 3,600 people. Sure, he was the part-time officer in charge of the village's police department. But he also carried an honorary major's shield in the Orange County Sheriff's Office and worked as a volunteer with then-Sheriff Frank Bigger's drug task force. He ran a private security company with big contracts, such as protecting the massive Newburgh Auto Auction. Byrnes' annual Christmas party was a see-and-be-seen event that drew state-level politicians. Last year, there was even some talk that Byrnes might be a candidate for sheriff himself. But Orange County is changing, and a harbinger of that change came when the month of December came and went without invitations going out to the big Christmas party. Byrnes hasn't spent much time in Montgomery since the summer, because he's been tending to a new business and recuperating from an illness. And now Byrnes may be one vote away from losing command of the police department, where he's been a fixture for 24 years, including 15 as officer in charge. He's never held the civil service rank of chief. The Village Board is expected to take up the question of Byrnes' future at a meeting tomorrow night. Two village trustees now say that Byrnes should go, and while the Village Board's other three members aren't going that far, they still have plenty of questions for Byrnes. Between hernia surgery and the startup of a new security venture in the Dominican Republic, Byrnes hasn't worked his allotted 80 hours a month since August, Mayor Steve Brescia says. He hasn't been paid since then, either. Byrnes put in about four months of work last year, the mayor said, earning about 30 percent of his \$20,426 annual salary. But technically, he's still in charge of the department. Trustee Robert "Rabbit" Kiernan was the first to call for Byrnes' resignation. Trustee Linda Cantello now says that she agrees with Kiernan. "It's time for Jack to be replaced. That's the bottom line," Cantello says. After Kiernan called for Byrnes' resignation last month, Byrnes' lawyer, Ed Bruno of Pine Bush, wrote Kiernan a letter that warned, "If you make slanderous statements against my client, I will have no choice but to take whatever action is appropriate to protect my client's interests, which could include a lawsuit against you for defamation of character." Bruno sent copies of the letter to the entire board. Cantello said, "It sounded like a scare tactic." Bruno wouldn't say which of Kiernan's remarks were taken by Byrnes as slanderous. Brescia, Trustee Darlene Andolsek and Trustee JoAnn Scheels all said Bruno shouldn't have copied his letter to the entire Village Board. "It's inappropriate. It may have been something to try to hush Rabbit, but Bob is a grown-up and Bob is going to say what he's going to say. Jack and Bob are having a bit of a tiff, and I think it should be between them," Scheels said. But Byrnes' work situation? That, the trustees agreed, is something that's in the public sphere. Byrnes has a note from a doctor that says he can't do police work, but the note expires tomorrow — the night that the Village Board meets. "I think with all his medical problems, maybe he should consider retiring," Scheels said. "He truly doesn't seem to be able to be there all the time. Not that he does a bad job — he just hasn't been there. He's been out sick for a quite a while now, and is that fair to the people in the village?" Trustee Darlene Andolsek said, "Right now, he's on medical leave. He can't help that, nor can I. But we need somebody that's here." "I think that's of utmost importance." Brescia says the village could consider demoting Byrnes and permanently appointing Capt. John Luffman as the officer in charge. Luffman's been running the department in Byrnes' absence. Byrnes couldn't be reached at either of two cell-phone numbers last week. The Village Board expects him to show up tomorrow night.

News

Montgomery demotes Byrnes, sells bikes

By Alexa James
January 17, 2007

Montgomery - Village trustees dealt a stinging one-two punch to the long-time head of the police department last night, demoting Officer-in-Charge Jack Byrnes Jr. to part-time patrolman and selling the Harley-Davidson motorcycles he championed for his department.

The blows were delivered before a crowd of glowering Byrnes' faithful at Village Hall, who vowed to avenge the administration's decision during upcoming elections in March.

"When the dust settles, these people will be gone," said John Ingrassia, nodding toward the dais, "and Byrnes will be back."

"They created that monster," he said.

Problems with Byrnes, 54, have been festering for months. Between stomach surgery and the startup of a new security venture in the Dominican Republic, Byrnes put in only about four months of work last year.

Last month, when the board extended his medical leave, Byrnes spent most of it in the tropics, flying home in time to ask for another extension last night.

The board gave him four more weeks but this time requested a medical examination from an independent physician, not Byrnes' go-to doctor.

"We've been very sensitive to his health problems," said Mayor Steve Brescia, but, "we need somebody at the helm."

That somebody is now Capt. John Luffman, who was been running the department in Byrnes' absence.

The village trustees also voted to surplus the two Harley-Davidson motorcycles Byrnes ordered for his force in 2004. The bikes will be offered at a minimum bid of \$10,000 each.

And while the board insisted its motions were made on behalf of the village, Byrnes is taking it personally.

"I will not stand by and permit ignorant and self-serving people to discredit my name or my dedication to this police department and the Village of Montgomery," Byrnes wrote in a statement to the Times Herald-Record Monday. He said his lawyer will take action by the end of the week.

In fact, Byrnes said he may make a run for the mayor's seat in March. "Mayor Byrnes," he said, "how does that sound?"

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PA

MONTGOMERY BOARD DEMOTES TOP COP

FRONT PAGE

Times Herald-Record, Wednesday

Village demotes Byrnes, sells bikes

By Alexa James

Times Herald-Record
ajames@th-record.com

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And while the board insisted its motions were made on behalf of the village, Byrnes is taking it personally.

"I will not stand by and permit ignorant and self-serving people to discredit my name or my dedication to this police department and the Village of Montgomery," Byrnes wrote in a statement to the Times Herald-Record Monday. He said his lawyer will take action by the end of the week.

In fact, Byrnes said he may make a run for the mayor's seat in March. "Mayor Byrnes," he said, "how does that sound?"

News

Feds probe Village of Montgomery cops' gun buys while Jack Byrnes ran department

By Oliver Mackson
January 26, 2007

and Alexa James
Times Herald-Record

Montgomery — The feds are investigating gun purchases made by Village of Montgomery police officers while longtime Officer in Charge Jack Byrnes Jr. was running the department, according to people familiar with the investigation. Those people say that at least one federal law-enforcement agency is assembling a paper trail to track the movement of the guns — including documents pertaining to the private security business that is Byrnes' bread-and-butter.

In one case, a source said that the FBI received copies of handgun sale slips documenting purchases by Byrnes. Those records are normally kept by the state police Pistol Permit Bureau, which documents all legal handgun transactions in New York.

The reason for the investigation isn't clear, and Jim Margolin, an FBI spokesman, said he had no comment. Montgomery Mayor Steve Brescia learned about it from a reporter, and Byrnes laughed it off.

"No comment," he said, chuckling during a long-distance phone call Wednesday. Byrnes runs Allstate Security in Montgomery, and recently expanded his security business to the Dominican Republic. The new venture has kept him away from the village and cost him his officer-in-charge status last week. While he's been the officer in charge, Byrnes has employed some village cops as security officers with his private company. The village hasn't received any recent requests from any law-enforcement agency for information about Byrnes or the police department, according to the village's response to a Freedom of Information Law request by the Times Herald-Record. Byrnes said he hasn't been contacted by the FBI.

Since he was stripped of his title last week, Byrnes himself has papered Village Hall with FOIL requests. Byrnes' lawyer also threatened to sue a village trustee who said Byrnes ought to resign.

After the Village Board's vote to demote him, Byrnes sounded an angry new note. Byrnes now says he might run for mayor against Brescia.

They've been friends since they were both kids growing up in the village in the late 1960s, and Byrnes has supported Brescia during his nearly 17 years in the mayor's office. As of yesterday, Brescia was the only candidate who'd filed any campaign paperwork at Village Hall.

On Byrnes' watch, Montgomery has developed a reputation as a safe place to live. Cars traveling into the village from Route 211 hit the brakes well before the speed limit drops from 55 mph to 30 mph. A daily phenomenon: At least one police car, with its flashers working, is posted to watch the kids arriving and leaving from Montgomery Elementary School.

But Byrnes' management of the police department has been questioned. And now, for the first time, even the mayor is saying that the village can't afford another "black eye" at the hand of Byrnes.

"The trouble is, I've been friends with him for 30 years," Brescia said this week. "Over the last two years, I don't really know Jack."

That's because his old friend has spent more time out of the country than he has in the village lately. Between complications from hernia surgery and the startup of his new security venture in the Dominican Republic, Byrnes hasn't worked his allotted 80 hours a month at the police station since August. All told, he put in roughly four months of work last year, the mayor said, earning about 30 percent of his \$20,426 annual salary. But until his demotion last week, Byrnes was still running the show. The officer in charge is now John Luffman, a 13-year veteran of the department who's retired from the NYPD. Luffman said he was unaware of any federal investigation of Byrnes.

"Jack Byrnes is not that silly or that stupid to do something like that," Luffman said, stressing that his friendship with Byrnes hasn't been affected by the recent uproar. "I can bet his desk on it, and I can do that because I'm sitting at it right now."

August 26, 2007

Former friends
in Montgomery
trash each other

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**WORST LOSS IN
FORD'S HISTORY**

PAGE 2



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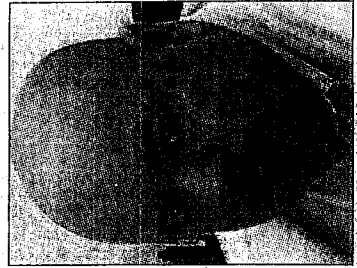
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VILLAGE OF MONTGOMERY

EX-TOP COP IN FED GUN PROBE



Jack Byrnes

PAGE 3

Montgomery gun probe

Feds check village cops' purchases while Jack Byrnes headed force

by Alexa James
and Oliver Mackson
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mackson@th-record.com

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Jack Byrnes



Steve Brescia



Times Herald-Record photos/JEFF GOULDING

Sources say federal agents are assembling a paper trail of gun purchases by Village of Montgomery cops while Byrnes headed the department.